

נתיבות עולם

עמדו על דרכים וראו ושאלו לנתיבות עולם ירמיהו טז

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How little the oral law has hitherto done to promote the peace and happiness of Israel, we considered in our last number. It may, however, be replied, that it has not had a fair trial, and that the failure is to be attributed rather to the people than to the law. This possible reply naturally leads us to think, what then would be the state of Israel and of the world at large, if the oral law were universally and exactly observed, and its disciples had supreme dominion in the world? Suppose that all the kingdoms of the world were melted into one vast and universal monarchy, and the sceptre swayed by a devout and learned rabbi, and all the magisterial offices filled by able and zealous Talmudists, would the world be happy? This is a fair question, and well deserves consideration, for there can be no doubt that true religion was intended by its Divine Author to promote the happiness of his creatures.

דרכיה דרכי נועם וכל נתיבותיה שלום :

"Her ways are ways of pleasantness, and all her paths are peace." (Prov. iii. 17.) And that not of a few, but of all without exception.

הלא אב אחד לכולנו הלא אל אחד בראנו :

"Have we not all one father? Hath not one God created us?" (Mal. ii. 10.) That religion, therefore, cannot be of God, which would make the greatest portion of his creatures miserable, and confer happiness on a very limited number. The religion that came from heaven, wherever it exists, must contain the elements of happiness for all nations, and include all the families of man. It must exclude none but the wilfully and obstinately wicked, who carry the torments of hell in their own bosom, and would be necessarily unhappy even in heaven itself. A religion, whose principles, if triumphant, would effect so desirable a consummation, must be true. The question is, whether modern Judaism, if it had full and free scope for the realisation of all its principles, would bear such blessed fruit? Our late inquiries about amulets and magic led us to consider some of the laws about the Sabbath-day, and as when true religion prevails, this ought to be the happiest day of the week, the laws respecting it shall furnish materials for our answer. That a rabbinical Sabbath would be the happiest day in the week we much doubt, for, in the first place, to keep

the rabbinical Sabbath aright, it is necessary to be perfectly acquainted with all the laws relating to it, which are very many and very intricate, occupying even in Rambam's compendium, including the notes, above one hundred and seventy folio pages.* That any conscientious man can be happy with such a load of law about his neck appears impossible. He must be in continual fear and trembling lest he should through forgetfulness or inadvertence be guilty of transgression, and the continued watchfulness and anxiety would be more intolerable than the hardest labour. But if Rabbinism wielded the supreme power, he would have to dread the most severe and immediate punishment.

שיבחה בשביעי ממלאכה מצות עשה שנת' וביום השביעי השבת. וכל העושה בו מלאכה ביטל מצוה עשה ועבר על לא תעשה שנת' לא תעשה כל מלאכה. ומדו חייב על עשיית מלאכה אם עשה ברצונו בדרך חייב כרת. ואם היו שם עדים והתראה נסקל ואם עשה בשגגה חייב קרבן חטאת קבועה :

"To rest on the seventh day from work is an affirmative precept, for it is said, 'On the seventh day thou shalt rest.' Whosoever, therefore, does any work, annuls an affirmative, and transgresses a negative precept, for it is said, 'Thou shalt do no manner of work.' What is meant by being guilty on account of doing work? If it be done voluntarily and presumptuously, the meaning is, that he is liable to excision, and if there were witnesses and a warning, he is to be stoned. If he did it in error, he must bring a certain sin-offering." (Hilchoth Shabbath, c. i. 1.) This sounds something like the law of Moses, but is in reality far more severe. The whole force depends upon the meaning of the word "work," and the rabbinical sense would entirely destroy the peace of society. If, for instance, a poor man could not afford to have his Sabbath lamp burn all day, and should extinguish it to save the oil; or if a humane man should see burning coals in some place likely to do injury to others, and should extinguish them, they would both be guilty, and if some zealous Talmudists happened to be present, and first remonstrated with them on the unlawfulness of the act, they would both be tried, found guilty, and stoned to death.

* Hilchoth Shabbath and Hilchoth Eruvin extend from fol. 140 to fol. 226.

ל העושה מלאכה בשבת אף על פי שאינו צריך לגופו של מלאכה חייב עליה. כיצד הרי שכבה את הדבר מפני שהיה צריך לשמן או לפחילה כדי שלא יאבד או כדי שלא ישרוף או כדי שלא יבקע הרש של נר מפני שהכבי מלאכה הרי נתחנך לכבו. ואף על פי שאינו צריך לגוף הכבו ולא כבד אלא מפני השמן או מפני החרש או מפני החמיל הרי זה חייב. וכן המעביר את הקוקו ד' אמות בר'רו או המכבה את הגחל' כדי שלא יזוקו בן רבים חייב ואע"פ שאינו צריך לגוף הכבו או לגוף ההעברה אלא להרוקק הדיוק הרי זה חייב וכן כל כיוצא בזה :

“Whosoever does any work on the Sabbath, even though he does not do it for the sake of the work itself, is nevertheless guilty. How so? If, for instance, a man extinguishes a lamp, because he wants the oil or the wick, and wishes that it should not waste, nor be burned, or that the earthenware part of the lamp should not be cracked; inasmuch as the extinguishing is work, and his intention was to extinguish it: although the mere act of extinguishing it was not the ultimate object, but on the contrary, the saving of the oil or the wick, or the earthen lamp, he is, nevertheless, guilty. And in like manner, whosoever removes thorns a distance of four ells in a public place, or whosoever extinguishes coals to prevent the public from being injured, is guilty: although the ultimate object was not the extinguishing nor the moving, but he simply intended to prevent the injury, he is guilty, and so in all similar cases.” (Ibid.) If this were the law of the land, and the executive were in the hands of Talmudistic zealots, the peace of the world would be at an end. The poor man could not be happy, when he saw his little property wasting, and the humane man would either be made miserable at the thought of being able to prevent much injury, and yet not doing it, or would have to expose himself to the danger of a cruel and ignominious death. We know enough of the general character of the Jewish nation to believe that there are amongst them those who would brave the danger, whose generous hearts would rise above personal considerations, but how dreadful would be the consequences! A man of a tender heart, the father of a family, would be induced, by the best of feelings, to save his fellow-men from injury. He would return to his family, and tell them how God had given him an opportunity of doing good. The family worthy of such a father would rejoice to hear the information, but the sequel of his story would turn their joy into mourning. He would have to tell them that ignominious death would be the consequence, and that because he dared to do an act of charity, and to love his brother as himself, the morrow would see his wife a widow and his children orphans. But suppose, that when he performed the act, he had been attended by two of his sons, now grown

up, and zealots for the oral law—that they had warned him, and then became his accusers, as they must, if firm believers in Talmudic religion, he would have the additional pang of seeing his own flesh and blood as the foremost of his executioners. This one law would clothe the world with mourning, and make the light of the Sabbath sun the curse of mankind. Though men might be found at first to brave the danger, the course of time and the inflexible severity of the law would soon annihilate all generous feeling. Children would be trained up with the idea that humanity is not a Sabbath virtue, and the constant resistance of the tender feelings would harden the heart, and mankind in time become totally insensible on week-days as well as Sabbath-days; and thus the enforcement of this one law would produce universal selfishness, and this would certainly not promote the happiness of the world. But take another case of a man, who leaves his home on the Friday morning to go a short distance into the country, intending to return before the commencement of the Sabbath; he meets with an accident, and breaks a limb; on the Sabbath he is sufficiently restored to think of the anxiety of his family, and writes a short note to inform them of his state, this act of common love and kindness would cost him his life; nay, if he had only begun the letter, and then overcome by fear or weakness, had left it unfinished, a rabbinic tribunal would condemn him to be stoned.

ל המכתוב לעשות מלאכה בשבת והחזיל בה ועשה כשעור חייב אע"פ שלא השלים כל המלאכה שנכתבו להשלימה. כיצד הרי שנכתוב לכתוב אגרה ודפנו רכתוב כל השטר או כל האגרה אלא משיכתוב שדי אחיות חייב :

“Whosoever intends to do any work on the Sabbath, and begins it, and does a certain measure, is guilty, although he does not finish all that he intended. How so? Suppose he intended to write a letter, or a contract on the Sabbath, it is not to be thought that he will not be guilty until he finish his business, and write the whole contract or the whole letter. On the contrary, as soon as he shall have written two letters (of the alphabet) he is guilty.” (Ibid.) And consequently, if it can be proved, must be stoned. Every one's daily experience will tell them of the many similar cases where a letter may be necessary for the peace or well-being of an individual or a family, and where the delay of a day would be a serious injury. If rabbinism held the reins of power, the anxiety, the sorrow, the injury must all be endured; the Sabbath-day must be made a burden and a curse, instead of a blessing, or life itself must be exposed to danger. But this would not be the only misery. These sanguinary laws would,

as religious laws, bind the consciences of the weak and superstitious. A man's domestics, or his children, or even his wife, would become spies over all his Sabbath doings, and the denouncers of every transgression; and thus domestic confidence, without which not even the shadow of happiness can exist, would be destroyed, and a man's foes would be those of his own household. Much has lately been thought and said about the sanguinary nature of the laws of England, but the laws of Draco himself were merciful when compared with the religious enactments of the rabbies. Draco only sentenced to death men convicted of a crime. The oral law condemns to stoning the man, woman, or child who will venture to write two letters of the alphabet, or even who will extinguish fire to prevent a public injury. Nay, in some cases, where it actually pronounces a man innocent, it nevertheless commands him to be flogged.

נחוקו ללקוט האנים שחררה וליקט לבנה או שנתחוקו ללקוט האנים אחד'ע עניים ויהסך הדבר וליקט הענבים בתחלה ואחר'ע תאני' פסור אק על מי שליקט כל מה שחשב הואיל ולא ליקט כסדר שחשב פסור שבלא כוונה עשה שלא אסרה הורה אלא מלאכת כחשבה :

"If a man intended to gather black figs, but gathered white figs, or if he intended to gather figs and afterwards grapes, but the matter has been inverted, and he gathered the grapes first, and afterwards the figs, he is not guilty. Although he have gathered all that he thought of gathering, yet, because he did not gather them in the intended order, he is not guilty, for he did what was unintentional, and the law forbids only intentional work." (Ibid.) We pass by the manifest absurdity of this decision, which is, however, sufficient to prove that this law is not of God, because it is more important to consider what is to be done with a man not guilty. The law of England, or any other civilized country, would say, of course, that he is to go free, but not so the oral law, it commands that the man should be flogged.

וכל מקום שנאמר שהעושה דבר זה פסור הרי זה פסור מן הכרת וכן הסקילה וכן הקרנן אבל אסור לעשות אותו דבר בשבת ואיסורו מדרב' סוטים הוא דרזוקה מן המלאכה העושה אותו בדרך מכן אורו מכות מדרה :

"Wherever it is said, he that doeth any thing is not guilty, the meaning is, that he is not liable to excision, nor stoning, nor a sacrifice, but that thing is unlawful to be done, and the prohibition is of the words of the Scribes, and is intended as a removal from the possibility of work: and he that does it presumptuously, is to be flogged with the flogging of rebellion." (Ibid.) Here, then, we have a whole class of crimes which the oral law itself allows are no crimes according to the law of Moses, but which it

thinks fit to punish with that dreadful and degrading infliction. Are the professors of this traditional religion really acquainted with its ordinances? or can any man believe that a religion which, if it had full scope and power, would become the torment of the human race, can really emanate from God?

If ever this religion attains supreme power, its adherents will be reduced to a state of the most deplorable bondage, but what would be its effect upon the other nations of the world? It would, in the first place, deprive all other nations of a Sabbath; for we have already quoted the law (No. 5, p. 12), which decides, "That a Gentile who keeps a Sabbath, though it be on one of the week-days, is guilty of death," and though not to be executed, is yet to be flogged. This would be a very serious diminution from the happiness of millions of human beings. The Gentile—who, like the Jew, must earn his bread by the sweat of his brow, and devote six days to the concerns of the world—requires a day of rest from secular labours, and cares, and thoughts, to relieve his body and to refresh his soul, and hold communion with his God. Of this the oral law would deprive him, or if his conscience compelled him to sanctify one day in seven, he would have to purchase his spiritual enjoyment by corporeal suffering. Many would, no doubt, be terrified at the thought of the punishment, and all trace of a Sabbath would in time cease amongst the Gentiles. The multitude would soon be left destitute of religious instruction, and general vice and misery would be the consequence. This religion, then, of the oral law, would certainly not promote the happiness of the Gentiles, and they are the overwhelming majority of mankind: it therefore cannot be of God. But the violent deprivation of a holy day of rest would be far from producing kindly feelings towards the Jews. Mankind would rebel against such oppression; and the religion which commanded it, instead of obtaining their reverence, as it ought to do if true, would become their detestation. This unhappy feeling would be increased by other similar laws, equally wanting in charity. For instance—

אין מילדין את הגויה בשבת ואסלו בשטר ואין חוששין לאיבה ואין על מי שאין שם הילול - אבל מילדין את בת גר חושב מפני שאנו מצוין להחיותו ואין מילדין עליה את השבת :

"A Gentile woman is not to be delivered upon the Sabbath, not even for payment, neither is the enmity to be regarded. It is not to be done, even though no profanation of the Sabbath should be implied. But the daughter of a sojourning proselyte may be delivered, for we are commanded to preserve the life of such, but the Sabbath is not to be profaned on her account." (Ibid, chap. ii.

12.) We ask every Jew who has got the heart of a man, whether such a law can be from God? or whether the religion of which it forms a part can be true? A poor woman, in the hour of her extremity, is to be left to her fate, simply because she is an idolatress. The mother and the child are both to be left to perish, because, either through her own fault, or through the circumstances of her birth, she has remained ignorant of the true God. But grant, for the sake of argument, that the mother is so hardened a sinner as to be beyond the mercies of sinful men, what has the child done, that its life is to be given as a sport to chance? Is that the way to convert a sinner from the error of her ways, or to recommend the true religion? The most besotted of idolaters, who believes at all in a Divine and merciful being, would pronounce such religion false. A few such cases would soon spread through the world, and Judaism would become the aversion of every heart that can sympathise with suffering. And thus, if true, it would confirm all mankind in error. But it cannot be, the religion that comes from God bears the impress of its author, and teaches such love and kindness that the practice of it softens, where it does not convert. Its bitterest enemies must confess that its practical principles are worthy of all admiration. But there is here a second case, the daughter of a sojourning proselyte, towards whom the oral law is a little more lenient, it allows such an one to be delivered, but does not permit the Sabbath to be profaned on her account. Suppose then that such an one found herself in the midst of Jews, and after her delivery required the comfort of a fire or warm food for herself or her infant, or any other assistance that would imply a breach of the Sabbath, it could not be done, but for an Israelitess it may be done; can this proceed from Him who seeks the happiness of all his creatures? It cannot be said that this is a rare case, for it is easy to show that this is the general spirit of the oral law.

היתה חצר שיש בה גוים וישראל אפי' ישראל אחד ואף גוים ונשלה עליהם מפותל מסקזין על הכל כשני ישראל פיר' אחד מוסם לחצר אחר ונשלה עליו אחרו חצר מסקזין עליו שמא זה שפיר' זהו ישראל והנשאריו גוים; נעקרו כולן מחצר זו ללך לחצר אחרת ובעת עקירתן פירש אחד מהן ונכנס לחצר אחרת ונשלה עליו מפותל ואין דיוע מי הוא אין מסקזין עליו שכיין שנעקרו כולם אין כאן ישראל וכל הפרש מהן כשהן מכלולין דרי הוא בחוקת שפירש שם הרוב;

“ If Gentiles and Israelites live together in one court, even if there be only one Israelite and a thousand Gentiles, and a ruin fall on one of them, the rubbish is to be cleared away, on account of the Israelite. If one of them had gone by himself to another court, and that court fell upon him, the rubbish is also to be cleared away, for perhaps this one was the Israelite, and the rest were Gentiles. But if they all set out to go from this court to another court, and during the time of their moving, one of them separated and went to another court, and a ruin fell upon him, and it is not known who he is, the rubbish is not to be cleared away. For as they all moved together, it is certain that the Israelite was not amongst them; and every one who separated from them, whilst going, is to be reckoned as belonging to the majority.” (Ibid, 20, 21.) Here the same utter recklessness of Gentile life or comfort is displayed, and no one will pretend that such laws, if carried into effect, would promote the happiness of mankind. Accidents, like births, happen on the Jewish Sabbath as well as on the other days, but if the oral law had power, the Gentiles to whom any accident happened, might wait until the Sabbath was over, and must thus lose the only comfort which is possible on such an occasion. When a man is suffering from severe bodily injury, there are but two sources of consolation; the one is the kind and benevolent attentions of man, the other the remembrance of God's mercy and goodness, but the oral law cuts off both from the suffering Gentile. It forbids its disciples to help him, and says at the same time that this is the law of God. But could the Jews themselves be happy on that Sabbath, where such an accident occurred, and where they had left a poor Gentile buried under the ruins of a building? Could they enjoy peace in the bosom of their family, or could they find holy pleasure in the prayers of the synagogue when they had left one of God's creatures, a fellow-man, to perish in his misery? But this law would affect more than the individual sufferer, and the few surrounding spectators. It would prevent all brotherly love between Jews and Gentiles, and until all men learn the reality of charity, the world cannot be happy. If it be true that the religion given by God, wherever it is carried into practice, makes men happy, then the religion of the oral law cannot be true, for, if practised, it would make all men miserable.

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